

QUID NOVI

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QUID NOVI

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**(Thanks to Webmaster Ryan
Schwartz!!)**

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PDF!!!!**

C'est tellement incroyable!

Editorial/Éditorial

**by Courtney Retter
(LAW II)**

Reflections on Rejection

Caleb Cushing, Attorney General to President Franklin Pierce, said the following in consideration of the function of rejection: "It is impossible, in my mind, to distinguish between the refusal to receive a petition, or its summary rejection by some general order, and the denial of the right of petition." Rejection is allegedly a human necessity; it provides individuals with an opportunity for self-assessment that otherwise would be unavailable. No matter the type of rejection or the reason for being rejected, all rejections are unified by the following fundamental reality: it sucks. But hey, rejection loves company. Fred Astaire was called, "balding, skinny, can dance little" at his first audition. Albert Einstein's parents feared he was sub-normal. Walt Disney was fired for "lacking ideas". And perhaps, most famous of all, Michael Jordan was cut from his high school basketball team. I spent the last weekend assessing the benefits of being denied what one ultimately wants and, subsequently, asked both friends and family members what they saw as the potential advantages of being rejected.

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J.D./LL.B.

by Malcolm Lavoie (LAW I)

The J.D.-LL.B. Committee of the L.S.A. recently released its final report, which purported to provide "basic information pertaining to the possible conversion of McGill's Faculty of Law LL.B. designation to a J.D. designation." At least one piece of basic information seems to have been neglected, though. On page 1, in bold type, the title reads "The Juris Doctor and the Bachelor of Legal Laws." The "Bachelor of Legal Laws" is then discussed in greater detail. Yet the term

"legal laws" doesn't make any sense, being fairly obviously redundant. Our common law degree is, of course, a Bachelor of Laws. The two L's stand for "laws."

Unfortunately, this is symptomatic of the perfunctory treatment given to the cultural heritage represented by our humble common law degree in the conversion debate so far. Nowhere among the "major considerations" in the report

is anything resembling a regard for the faculty's link with the British legal tradition. One gets the impression that students would just as soon change the name of the degree to "Super Xtreme Law Doctor!" if they thought it would help them get jobs in New York. Maybe they would. Maybe the fix is in. But let's at least demonstrate enough historical awareness to get the name of our degree right.

A Year on Pedagogy

by Prof. Piper, Chair Curriculum Committee

The Faculty of Law's Curriculum Committee undertook a process this year of involving members of Faculty in thinking and learning about teaching. We thought that you might be interested in hearing about some of those activities. The Curriculum Committee comprises five professors (Piper, Brooks, Mégret, Lametti, Van Praagh), two Assistant Deans (Strategic Planning and Student Life and Learning), two student representatives (Stefan Hoffman and Sarah Goldbaum), Mtre. Boyer (Head Librarian) and Ms. Czettel from the SAO. The Committee manages and initiates curricular reform and this past academic year was given a specific mandate by Dean Jutras to consider pedagogy at the Faculty. To do this, the Committee designed and held three workshops:

Workshop #1 "Active Learning Strategies": Professors Campbell, Van Praagh, Anker and Manderson presented their experiences and specific examples of in-class techniques to engage students in learning, to a full audience of twenty-seven other faculty members. Teaching and learning specialists we had invited discussed why active learning strategies are important to student learning highlighting that we learn best when new knowledge is connected to existing knowledge; when the attention of the learner is focused;

when feedback is received early and often (exams, graded assignments, etc.); and when students are engaged in collaborative experiences. The discussion during the workshop explored how to achieve these objectives in the law classroom.

Workshop #2 "Methods of Evaluation": Professors Ellis, Fox-Decent, Leckey and Brooks each presented their experiences with methods (other than 100% final examinations) that they use to assess student learning. Twenty-two faculty members attended the event which included a discussion that emphasized that effective assessment should be formative and allow students to see their improvement, and that courses should ideally include multiple opportunities for assessment.

Workshop #3 "Teaching Technologies": Professors Mégret and Piper hosted a roundtable session on teaching technologies which nineteen professors attended. It was held in the new active and collaborative learning classroom, Education 627. It focused on how professors can use technologies in the classroom to provide feedback, encourage active learning and enhance communication with students.

Improving the Second Year Experience: The Committee also spent sig-

nificant time this year investigating the experience of students in second year at the Faculty. As part of this effort, the Committee supported a student proposal from Stefan Hoffman to increase the credit weight of Legal Meth II, passing a resolution at Faculty Council to increase it from 2 to 3 credits. This change will reflect the importance and the effort that students invest in the course. The course will also be renamed to emphasize a focus on professional responsibility. This inquiry into the second year will continue next academic year. A sub-committee has been formed of Associate Dean Lametti, Prof. Piper and Stefan Hoffman that has met with the Dean and over the next year will be gathering information from students and professors about how to improve the second year experience.

The Committee also undertook a number of other activities (reviewing internships, course credits and course evaluation procedures) many of which are ongoing. The Committee invites your thoughts and comments on any of these initiatives. In particular we encourage you to continue providing feedback through completing formal course evaluations (which can be immensely helpful) as well as sharing your thoughts through formal and informal channels.

McGill Symposium & Exhibit on Animal Law

by Ashlyn O'Mara (LAW III) & Sophie Gaillard (LAW II)

Many students here might be surprised to know that animal law is a serious field of study and practice in the United States and, after the recent symposium on animal law here at the Faculty, it is now clear that this is rapidly becoming the case in Canada as well. After over a year of planning, the Student Animal Legal Defense Fund at McGill (SALDF) brought together renowned experts in animal law from Switzerland, the United States, and Canada as well as a prominent Canadian photographer for the McGill Symposium and Exhibit on Animal Law.

True to the transdisciplinary spirit of our faculty, SALDF mingled art and law to produce a powerful week-long event showcasing how law students, lawyers and communities in general can use the legal system to promote the interests of animals. Over 150 people from the McGill community and beyond filled the moot court and the atrium for two evenings of education and stimulating discussion. Among the

attendees were McGill and Concordia students, students from the Faculty of Law at the University of Ottawa, McGill Alumni and Faculty members, officials from the Ministry of Agriculture, staff from the Canadian Federation of Humane Societies, national media, and the Swiss Consulate General.

Attendees were given the opportunity to learn from several notable participants. Dr. Antoine Goetschel traveled all the way from Zurich, Switzerland to discuss the particularities of his job as the world's only public animal welfare attorney and the state of animal law in Switzerland. David Wolfson, who specializes in farm animal law and teaches animal law at Columbia law school, and Alanna Devine, who is the Director of Animal Welfare at the Montreal SPCA and fellow McGill law graduate, discussed the current state of American and Canadian animal welfare legislation and paths for future development. The presentations were followed by animated exchanges be-

tween the audience and the speakers. The issue that dominated these discussions was how to further animal protection in Canada, a country that is generally recognized as lagging behind the rest of the Western world in this area.

SALDF would like to take this opportunity to thank the Law Students' Association, the Dean's Discretionary Fund as well as the Students' Society of McGill University for their generous financial support in helping to make this Symposium a huge success. Such activity and interest in the relationship between humans and animals in the law on the part of students, faculty members, the local community and the media is a first at a Canadian university. Also, we extend a big thank you to our SALDF members for their time and dedication.



Animal Legal Defense Fund

Back to Basics



Why the Welfare Construct Fails to Protect Animals from Suffering

A talk by Peter Sankoff



Student Animal Legal Defense Fund

Wednesday, March 31st 2010

5:30-7:00 pm

McGill Faculty of Law, Room 312
3644 Peel Street, Montreal

Peter Sankoff obtained his J.D. from the University of Toronto and his LL.M. from Osgoode Hall Law School. After clerking for Justice L'Heureux-Dubé at the Supreme Court of Canada, Mr. Sankoff joined the Human Rights Law Section of the Canadian Federal Department of Justice. He is currently a Senior Lecturer at the Faculty of Law of Auckland University, in New Zealand, where his teaching and research focus on legal issues surrounding the criminal trial process and the relationship between animals and the law. He has published several books on these two topics, including Manning, Mewett and Sankoff on Criminal Law and Animal Law in Australasia: A New Dialogue. In the last few years, Mr. Sankoff has begun teaching animal law as a visiting professor at different universities worldwide. He is scheduled to teach the world's first course in comparative animal welfare law at Lewis & Clark Law School in Portland, Oregon in June 2010.

This presentation examines the concept of "animal welfare" and considers why a society that supposedly prohibits "cruelty" nonetheless tolerates an enormous amount of animal suffering. Through a lively, visual and interactive presentation, the goal is to give listeners an introductory look at the issues at the heart of the existing debate on how best to create a world for animals in which their legal interests matter, and also to show how useful animal law courses can be in advancing this debate. It also considers animal welfare as a legal construct and considers some of its shortcomings, concluding that the law as currently designed may be impeding, rather than advancing, the cause of animals.

Traffic Act 4 - Praries

by Guillaume Lavoie (LAW I)

"So where are you guys from?"

"We left Quebec City about a week ago, we were driving west with friends."

"Those damn bastards!" Let the girl talk, kid.

I was driving with coffee in one hand and the map on my lap. This wasn't really planned; I'm not sure how to get to Calgary. As we drove through horizons of empty fields, she explained their situations. They had indeed left Quebec City as part of a small caravan, three or four cars packed to capacity with hippies and their summer dream to pick grapes in the Okanagan. Those two had tents and planned on camping along the way, but the rest wanted to share motel rooms and the luxury of a daily shower. "After a few nights of refusing to chip in for the motel bills, we were a dead weight to them. They left this morning without waking us up." Bastards indeed. The wrong kind, too. "I suppose you guys were splitting gas, though?" I'm the right kind of bastard.

We drove all day on the deserted Trans-Canada Highway. The scenery never changed. The sun's course gave us the illusion of a shorter trip, though. We talked for a bit, but aside from their recent misadventure their story was uninteresting. I didn't mind the lack of entertainment and discussion. My head was heavy from the previous night's drinks and the limited sleep I had gotten before the morning traffic woke me up. I kept my mind on the road and tried to ignore the absence of foreign substance in my blood.

The sun had just set when Calgary started showing up on roadside directions. I had never picked up hitchhikers before, so I had no idea of where our common trip would end. I had no intention of staying around those two bores much longer. "Where should I drop you off? We'll be in town in less than an hour." They didn't seem to have planned this much more than I had. Rain started falling, pouring harder the closer we got to the city, and they did-

n't feel like pitching their tent. "Well, I have to drop you off somewhere. There's no room in this car for three people to sleep". Preventive strike; I knew they were going to suggest something along those lines. "Listen, I don't know where you're going tomorrow, but I can drop you off at the airport. Just sleep on a bench and pretend you're waiting for a delayed flight. With some luck, nobody's gonna bother you." They agreed.

They gave me fifty bucks for gas and I drove away. The next day was spent driving through the Rockies, a truly magnificent sight. Everything was huge, immense! The perfect transition, the last obstacle between me and the coast. I called a friend in Vancouver before the phone signal was cut off. She had to leave for Victoria to visit family, but I convinced her to wait for me. The slope downhill was steep, but I could breathe it already. The west coast! Air is combustible; the west coast air is flammable. I was burning inside.

Passing the Québec Bar – part 5

by Narimane Nabahi (LAW Alumnus)

Passing the Québec Bar – part 5

by Narimane Nabahi (LAW Alumnus)

In the first part of this series of articles, I addressed issues that preceded the actual classes at the Québec Bar. The second part dealt with the issue of books and papers. The third part focused on the day to day classes. The fourth part looked at the bar from a chronological perspective. This article will focus on the "plat de résistance", which is made up of the four exams you will face. By now I am sure you got used to my articles being in French, and it is great news: every class at the Quebec Bar is in French, so you should either get used to it, seriously consider taking the 8 months program or ... let's not go there.

Disclaimer: insert your favorite warning here – this is simply my personal opinion. Dates, requirements, exam structure, just about everything can change, so use your own judgment when reading this article.

Survol et remarques générales

Les examens du Barreau ne sont généralement pas des examens où le temps est le facteur le plus critique. On a souvent du temps pour relire ses réponses à la fin des examens. Il y a relativement peu de questions. Par comparaison, au Barreau de New York, la journée d'examen réservée aux questions à choix multiples dure six heures et comprend 200 questions. Il faut répondre à une question en 1 minute 48 secondes. Ce n'est pas le cas au Barreau du Québec, puisque la journée « choix multiples » comprend autour de 17 questions à faire en 4 heures. Bien sûr, il pourrait s'agir de 17 questions très longues, mais ce n'est pas vraiment le cas.

Les questions du Barreau me font un peu penser à la scène finale dans *The Matrix*, quand Neo découvre qu'il est « The One ». (Pour ceux qui n'ont pas encore vu ce film, inscrivez-le à votre horaire pendant vos cours du Barreau) Il faut donc passer de ça

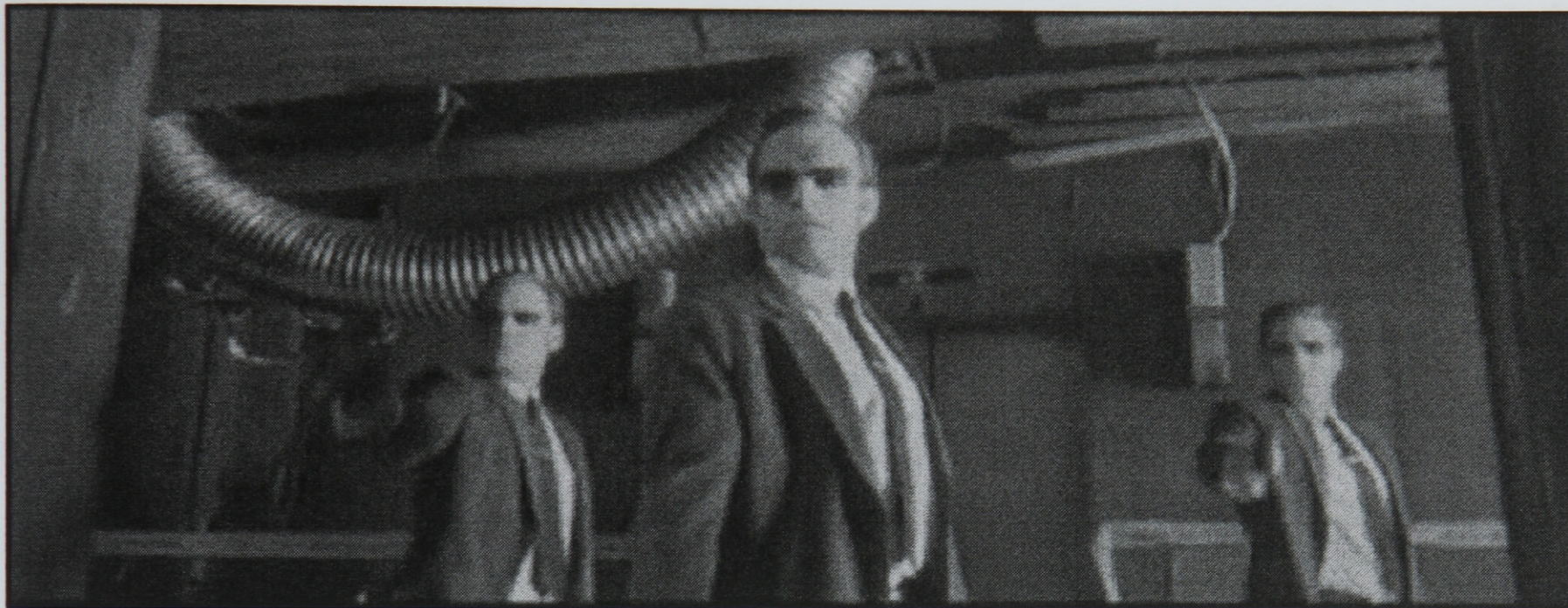


Figure 1 - Vision pré-"The One"

À ça :

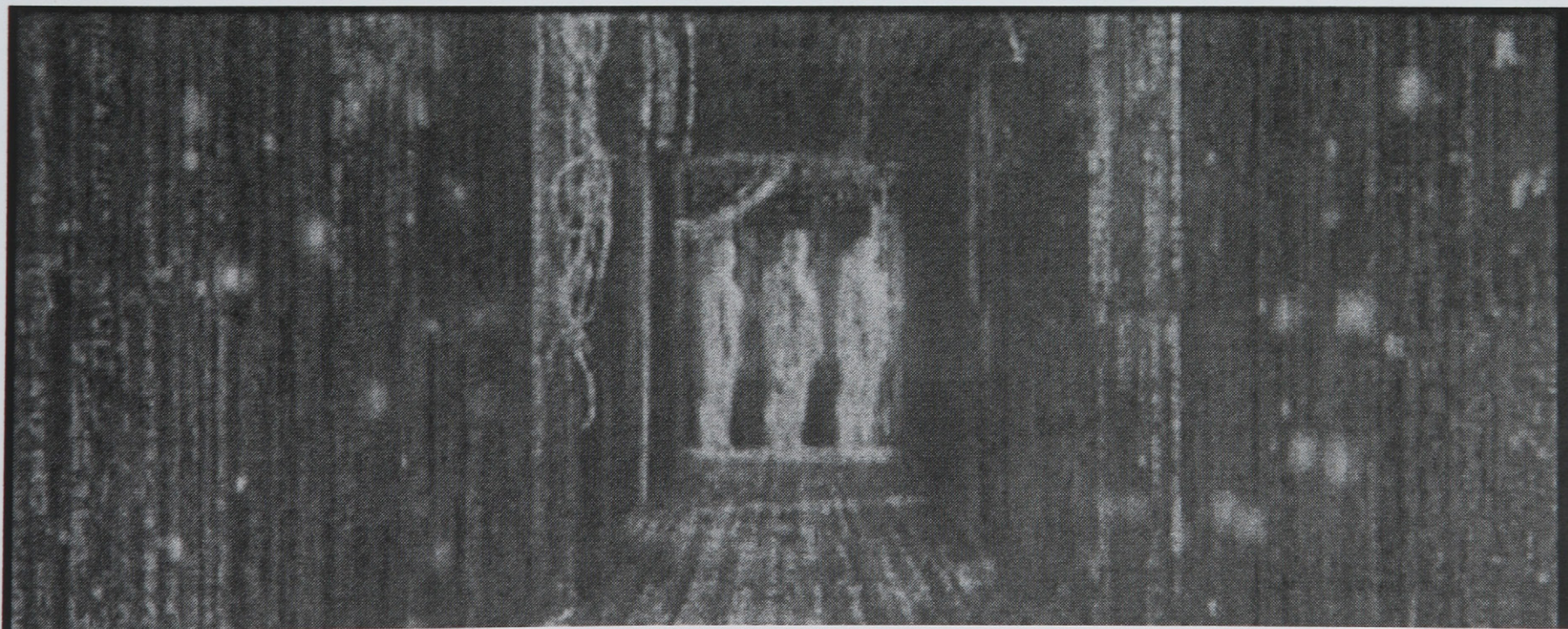


Figure 2 - Vision post-"The One"

Imaginons un problème où un client reçoit la lettre suivante :

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Cher client,

Je voulais vous informer que je suis l'électricien qui les rénovations de votre maison. J'ai été engagé par votre entrepreneur général pour travailler sur le filage électrique de votre maison. Quelle belle demeure! J'ai été enchanté par les boiseries que l'on retrouve partout dans votre résidence. Cela me rappelle le chalet de ma grand-mère, où nous allions tous les étés lorsque j'étais petit. Il y avait un grand lac et j'adorais pêcher de magnifiques poissons. Ma grand-mère m'a d'ailleurs donné une délicieuse recette pour faire cuire le poisson. Au passage, j'ai déjà fait 1000\$ de travaux chez vous et dois faire un autre 2000\$. Si vous voulez ma recette, n'hésitez pas à m'écrire.

Signé

Sous-entrepreneur bavard.

Avez-vous déjà anticipé la question? Quel est le montant de l'hypothèque légale de la construction que le sous-entrepreneur peut inscrire? Motivez votre réponse.

En utilisant la méthode « Neo » pour lire la question, il faut lire :

Blah client,

Je voulais vous informer que je suis l'électricien qui les rénovations de votre maison. J'ai été engagé par votre entrepreneur général pour travailler sur Blah Blah de votre maison. Blah Blah Blah! Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah. Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah. Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah. Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah. Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah. J'ai déjà fait blah de travaux chez vous et doit faire un autre 2000\$. Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah Blah.

Signé

Sous-entrepreneur bavard.

Pourquoi cette lecture, mais surtout, quelle réponse? La réponse est en fait un article du Code civil, soit l'article 2728.

2728. L'hypothèque garantit la plus-value donnée à l'immeuble par les travaux, matériaux ou services fournis ou préparés pour ces travaux; mais, lorsque ceux en faveur de qui elle existe n'ont pas eux-mêmes contracté avec le propriétaire, elle est limitée aux travaux, matériaux ou services qui suivent la dénonciation écrite du contrat au propriétaire. L'ouvrier n'est pas tenu de dénoncer son contrat.

Le même principe de lecture s'applique ici. Les mots clés sont « n'ont pas eux-mêmes contracté avec le propriétaire » (traduction : sous-entrepreneur), « limitée », « qui suivent la dénonciation écrite » (traduction : la lettre ci-dessus).

On a donc comme réponse: 2000\$ – Article 2728 C.c.Q.

On ne va donc pas chercher midi à quatorze heures. Que l'espace pour la réponse soit de 2 lignes ou de 20 lignes, la réponse reste la même. Ce travail de décodage est, selon moi, crucial pour réussir les questions du Barreau. Il est nécessaire, car il permet de correctement guider sa recherche.

Le hic, c'est qu'il n'est pas toujours évident de savoir lequel des éléments est important. Par exemple, le fait que l'électricien ait déjà fait 1000\$ de travaux est-il important pour la réponse? On serait tenté de dire oui, mais la réponse est non, puisque ce montant représente du travail déjà fait par le sous-entrepreneur *avant* la dénonciation du contrat. Que ce mon-

tant soit 0\$, 1000\$ ou 10000\$, cet élément n'a aucun impact sur la réponse.

Il faut en réalité se demander, en bon français, « c'est quoi le catch? ». Le catch ici, c'est la dénonciation tardive. En faisant notre recherche, on doit savoir un peu ce qu'on recherche. Hypothèque légale de la construction? Oui, mais encore. Sous entrepreneur? Oui, mais encore. Dénonciation tardive? On est très proche.

Imaginons que l'article 2728 et son principe nous étaient inconnus. Il aurait été possible de le trouver. Comment procéder alors? Première idée, chercher dans l'index à « construction » ou « constructeur ». Ça ne marche pas, mais à « construction », on peut lire « Voir aussi Hypothèque légale ». On va donc à « hypothèque légale ». Dans cette rubrique, on retrouve « personne ayant participé à construction ou à rénovation d'immeuble 2724(2), 2726-2728, 2952, 3061.

Il faut donc aller lire ces articles. Il est beaucoup plus facile de trouver la réponse si l'on sait d'avance les éléments de la question qui risquent d'être importants pour la réponse. On peut ne pas savoir la réponse, mais on sait au moins qu'on doit chercher un article qui traite de sous-traitant, de lettre, de montant, et de travaux. On ne cherche ni poisson, ni recette de cuisine, ni boiseries.

Lorsqu'on lit l'article 2726, on aurait peut-être l'envie de s'arrêter de chercher. Voici l'article:

2726. *L'hypothèque légale en faveur des personnes qui ont participé à la construction ou à la rénovation d'un immeuble ne peut grever que cet immeuble. Elle n'est acquise qu'en faveur des architecte, ingénieur, fournisseur de matériaux, ouvrier, entrepreneur ou sous-entrepreneur, à raison des travaux demandés par le propriétaire de l'immeuble, ou à raison des matériaux ou services qu'ils ont fournis ou préparés pour ces travaux. Elle existe sans qu'il soit nécessaire de la publier.*

On remarque le mot « sous-entrepreneur ». Aucune notion de lettre, de montant, etc. Sans lire l'article 2728, on pourrait conclure que la réponse est « 3000\$, Article 2726 C.C.Q. » Ceci aurait été visiblement faux. La meilleure manière d'éviter ce genre de problème, outre avoir bien étudié au préalable, est non seulement de lire les autres articles pertinents, mais aussi de les lire en sachant ce qu'on cherche. Et j'irais même plus loin, lorsqu'on a correctement identifié l'article 2728, on va tout de même lire les autres articles qui pourraient être pertinents. Ceci inclut les articles qu'on a trouvés dans l'index et ceux indiqués sous l'article 2728, sans compter ceux qui se trouvent autour de l'article 2728. De cette manière, on a bien fait le tour de la question et l'on comprend la réponse que le Barreau désirait.

Ce n'est pas souvent facile de faire ce travail. Dans de nombreux cas, « le catch » ne se détecte que lorsque l'on a trouvé l'article. Il faut en réalité activer un peu son « spider sense », qu'il faudrait plutôt renommé « Barreau sense ». Il faut lire la question en relevant les éléments que l'on trouve suspects. D'ailleurs, je n'avais pas mentionné comme élément possible le fait qu'il s'agissait ici d'une maison (versus un immeuble commercial). Lors de ma lecture, il aurait également été bon d'être attentif à ce détail. Peut-être que l'article 2728 fait une distinction entre le genre d'immeuble? Ce n'est pas le cas ici, mais c'est le genre de détails qu'il faut détecter. Et bien sûr, mieux on choisit nos détails, mieux on peut identifier l'article pertinent.

Se pratiquer

Comment peut-on donc se pratiquer pour bien faire à ces examens et à ce genre de questions? Plusieurs techniques, utilisées collectivement, permettent de bien se préparer.

La première a déjà été mentionnée plusieurs fois. Il faut absolument faire ses annexes avant d'aller en classe. J'ai décrit une méthode pour faire ses annexes dans un article antérieur, mais peu importe la méthode, il faut apprendre le plus de « situations » en faisant ses annexes. Une question similaire à celle que nous venons de voir s'est retrouvée à la question 3 de l'annexe 4 du jour 42... et à l'examen final.

La seconde technique consiste à faire les anciens examens. Même s'ils sont de plus en plus vieux, ils sont toujours utiles. À travers les anciens examens, tout comme à travers les annexes, on découvre des articles des différents codes, à la différence

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que dans le cas des anciens examens, on peut aussi voir une réponse « officielle » d'examen. Pour beaucoup d'entre nous, c'est là que nous sommes confrontés à la brièveté des réponses. Pour bien apprécier comment les réponses peuvent être brèves, regardez le problème suivant :

Mina Habibi et Stefan Lewis se rencontrent le 10 mai 1989. À cette époque, Stefan exploite un commerce de fleurs hérité de sa mère en 1985. Mina et Stefan se marient à Montréal le 8 août 1990 et ne font précéder leur union d'aucun contrat de mariage. Aucun enfant n'est issu de leur union.

En janvier 2000, les conjoints achètent en copropriété, pour la somme de 150 000 \$, un immeuble à revenus de cinq logements à Hudson. Les cinq logements sont loués. Lors de l'achat, Stefan verse 20 000 \$ comptant, provenant de l'héritage de sa mère, et les conjoints financent le solde par une hypothèque auprès de la Banque TD.

En janvier 2002, le couple vend l'immeuble au prix de 175 000 \$ et utilise cette somme afin d'acquérir, en copropriété, pour la somme de 180 000 \$, un nouvel immeuble à logements en remplacement du précédent. Une hypothèque de 135 000 \$ est contractée par le couple auprès de la Banque TD.

En juin 2003, Stefan décide de faire des rénovations au commerce de fleurs et pour ce faire, contracte une hypothèque au montant de 15 000 \$ auprès de la Caisse populaire d'Hudson. Le solde du montant nécessaire pour parachever les travaux est fourni par Mina, qui verse à Stefan la somme de 10 000 \$ provenant de ses économies accumulées au cours du mariage.

En septembre 2003, Mina quitte Stefan et désire mettre un terme à leur mariage. Le bilan des conjoints est alors le suivant :

[J'ai supprimé le bilan qui prend plus d'une page]

Voici la question. Ce genre de question représente de 2 à 3 % de votre note finale au Barreau.

Quel droit Mina Habibi peut-elle faire valoir relativement à la somme de 10 000 \$ investie dans la rénovation du commerce de fleurs?

Appuyez votre réponse en faisant référence à la ou aux dispositions précises et pertinentes du Code civil du Québec

Combien de mots sont nécessaires pour répondre à la question et ramasser les 2% de notre note finale?

Une demande de prestation compensatoire, art. 427 al. 1 C.c.Q.

On parle donc de 10 mots. Je parierais même que la personne qui aurait omis les mots « Une demande de » aurait tout de même eu ses points. Avant le premier examen, une réponse en 10 mots à une question qui représente 2% de ma note finale était pour moi un concept très abstrait. Après le premier examen, ce concept a guidé toutes mes réponses.

La troisième technique – et elle est risquée – est de se pratiquer lors des deux premiers examens. Il faut le voir comme un investissement. À mon premier examen, j'ai répondu à une question trop largement : j'ai mis un argument subsidiaire. Le résultat : j'ai perdu tous mes points pour cette question. À mon second examen, j'ai eu très peur et pour une des questions, j'ai mis une réponse trop courte. Résultat : aucun point encore. Tout était en place pour l'examen final. J'ai bien ciblé les réponses, et j'ai recueilli la vaste majorité des points aux questions de la deuxième journée. Ma suggestion est donc de ne pas avoir peur aux deux premiers examens. C'est le moment de vérifier si l'on cible bien nos réponses. C'est le moment d'écrire des réponses d'une ligne sur des pages 8 ½ par 14 pouces en ayant peur de ne pas en avoir mis assez.

Piège à éviter

S'il y a un piège à éviter, surtout pour des étudiants de McGill, c'est le mot « ou ». Si dans votre réponse vous êtes en train de donner deux solutions, surtout deux solutions contradictoires, il y a de fortes chances que vous ayez totalement loupé la question et que vous allez perdre tous vos points pour cette question, même si vous avez mis tous les bons éléments de réponse. Ceci est particulièrement vrai si votre « ou » est relié à l'interprétation des faits. Par exemple, si après un problème traitant de secret professionnel, on vous demande s'il y a ou non secret professionnel, la pire chose à faire est de répondre « Oui, mais... » Les chances sont que c'est, soit faux, soit hors sujet. Au deuxième examen, une question portait sur le droit des obligations et nous devions déterminer combien une personne pouvait réclamer pour un contrat de peinture mal exécuté. Deux montants m'apparaissaient comme possibles : l'argent que la personne avait déboursé pour corriger le problème ou le montant pour lequel l'entrepreneur aurait pu réparer lui-même le problème. La réponse : aucun de ces deux choix, car il n'y avait pas eu de mise en demeure au préalable. Le chiffre était donc zéro. La morale : si deux options contradictoires semblent possibles, c'est possible que la vraie question soit totalement autre.

Première évaluation : l'examen de déontologie

Cet examen est venu officiellement mettre fin à mon été. À lui seul, il m'a fait oublier les magnifiques geysers de Yellowstone. La première évaluation a lieu moins de deux semaines après le début des festivités, et dure trois heures. Notée sur 15 points, elle comporte en réalité peu de questions. Si ma mémoire est bonne, notre examen était composé d'une question sur 5 points, de deux questions de 3 points et les autres entre 1 et 2 points. La question sur 5 points était une longue histoire dans laquelle il fallait trouver dix manquements déontologiques. Plus on trouvait de manquements, plus on avait des points. C'est la seule question où l'on pouvait avoir des points partiels. Dans les autres cas, c'était tout bon ou tout faux : on ne pouvait pas obtenir une partie des points à la question. Il faut dire que cette approche (0 ou 100%, rien entre les deux) est celle la plus employée par le Barreau. Comme tous les examens, ce n'est pas une course contre la montre.

Par contre, il faut le rappeler, une note sous la barre des 9 points vous force à faire la formation supplémentaire de 6 heures. Il faut aussi faire attention lorsque l'on donne un article « général » comme justification à un manquement déontologique, puisque ces articles sont souvent considérés comme imprécis.

Deuxième évaluation : la rédaction

Ça s'appelle rédaction, mais ce n'est pas que de la rédaction. Cet examen est aussi noté sur 15 points. Il durait 3 heures. Le sujet a été annoncé 3 semaines à l'avance. Enfin, sujet est un bien grand mot, puisque la consigne disait : « L'évaluation notée 2 comportera deux dossiers en droit civil ». Bref, à part le droit des affaires, presque tout ce que nous avons couvert s'y retrouvait.

Dans notre cas, 9 points étaient alloués à la rédaction d'une requête introductive d'instance. Cette question était presque identique à ceux que nous avons faits en classe. Les six autres points étaient répartis entre 3 questions sur le droit civil. Là encore, les 9 points étaient « décomposables », mais pas les 2 points alloués pour chacune des questions qui suivaient. Les questions de 2 points étaient comme celles que l'on retrouve au début de cet article.

Il faut bien faire attention aux détails dans l'exercice de rédaction, et par détails j'inclus les éléments comme le numéro de dossier qu'il ne faut pas inventer s'il n'existe pas encore, l'adresse exacte des parties, etc. Rien de pire que de perdre des points pour ces éléments assez faciles. Aussi, il est utile de savoir quoi écrire comme conclusions recherchées, en particulier sur les questions de montants et de date à laquelle les intérêts commencent à compter.

Évaluation finale

C'est en fait deux examens, tous deux de quatre heures. La première journée nous avons eu droit à 17 questions à choix multiples. Pour certaines questions, il fallait choisir plusieurs choix. Bien que l'on associe souvent les choix multiples à une occasion d'utiliser le hasard pour répondre à des questions difficiles, les questions du Barreau se prêtent mal à cet exercice. Il y a peu de questions, et les probabilités de réussir une question en répondant au hasard sont au mieux de 20% et au pire

de 1% (si par exemple il faut choisir un nombre indéterminé de bulles pour une question). De plus, ces questions ne sont pas faciles. Pour notre examen, les 17 questions valaient 34 points, soit 2 points chacune.

Le lendemain, c'est un examen qui ressemble beaucoup aux genres de questions qu'on peut voir ci-dessus : long énoncé, suivi d'une question qui ne nécessite qu'une réponse courte. Ici par contre, il y a eu quelques questions où l'on pouvait avoir des points partiels. C'était le cas de la question de déontologie : nous devions identifier des manquements déontologiques et avec référence aux articles précis des lois. Cependant, il ne faut surtout pas miser sur cet aspect lorsque l'on rédige une réponse.

Les sujets avaient été annoncés un mois à l'avance, et nous savions les sujets au menu pour chacune des journées. Par contre, nous ne savions pas combien de points correspondraient à chacun des sujets. Même si nous n'avions que 3 sujets à l'examen final (jour 2), dont déontologie, sur 36 points, seulement 4 traitaient de déontologie, les 32 points restants étaient divisés entre le droit pénal et le droit de la famille. Il ne faut donc pas trop célébrer lorsque l'on voit son sujet favori, puisqu'il ne pourrait y avoir seulement quelques points accordés pour ce sujet.

Épilogue

Il ne reste plus qu'à attendre la note globale. La note apparaît sur le site web du Barreau, comme les deux autres notes précédentes. Il ne reste plus qu'à célébrer... ou malheureusement étudier pour la reprise. Cela arrive, mais il faut se retroucher les manches et se remettre au boulot. La liste des sujets est annoncée environ un mois à l'avance. Elle a même été annoncée avant les résultats de l'examen final.

* * *

Et voici ce qui conclut ce cinquième article sur le Barreau. Dans mon sixième et dernier article, j'aborderai des sujets un peu plus légers! Si vous avez des questions, n'hésitez pas à les envoyer à [narimane.nabahi à \(@\) mail.mcgill.ca](mailto:narimane.nabahi@mail.mcgill.ca). Un gros merci à François et AG pour avoir relu tous mes textes.

Court of Sartorial Appeal- "style of cause"

MacLeod CJ, Jay, Jacques-Terrence, Mwah JJ, presiding

Introductory Remarks by MacLeod CJ: We are tasked here with evaluating the fashion sense and personal style of several male faculty members at the Royal Institute for the Advancement of Learning (McGill University). As McGill is located in Montréal, the case follows Québec sartorial procedure, which imposes a higher burden of style upon male subjects than would be applied in the rest of Canada. It is helpful at this point to proceed on an individual basis, recalling that this court has no jurisdiction over natural persons – that is, we judge wardrobes, not their wearers.

On re: Dedek

Per MacLeod CJ: A-. Professor Dedek's sartorial choices reflect timeless European style. His clothes are form-fitting but not tight, the colour combinations work well together, and he has shown a consistent willingness to innovate.

Dedek's colour sense incites particular admiration, as he wears difficult colours (green) and colour-combinations (grey pants, brown shoes) effortlessly. Only one blemish exists in his otherwise flawless record: to wit, wayward ties. Dedek uses the somewhat unconventional Pratt knot, skewing the face of his tie off-centre. This skewness, when combined with his habit of pacing during lectures, results in fluttering ties which detract significantly from his professorial *gravitas*. The tragedy is that this issue could be resolved by the simple expedient of a tie clip.

Per Jay J (dissenting): A. As one of the students who switched from Professor Dedek's class into the French section (as he had suggested), I have had relatively little exposure to his style. From what I have observed outside class, however, I am in generally in agreement with my learned colleague

MacLeod CJ. I must, however, share my dissent concerning the negative characterisation of the Pratt knot. The Pratt conveys a simple elegance lacking in more conventional knots such as the full Windsor. The only instance where a Pratt can be seen as inappropriate is in the case of a shirt with a collar that requires a wider knot. However, given the contradictory evidence pertaining to the type of collar worn by the professor, I cannot condemn his tie-knot usage.

Per Jacques-Terrence J (concurring): A- I find myself in agreement with both of my learned brethren with concerns to as Professor Dedek's style. With well-cut clothes, well-chosen colour combinations and tie choices that figuratively "tie" everything together, there is little to critique in terms of general style. If anything there is much to be appreciated. However when coming down to specifics I also find myself uncomfort-

able with the tie and shirt collar. Dedek, it seems, enjoys wearing spread collar shirts with narrow ties (colloquially known as skinny ties). I must here disagree with MacLeod CJ's discussion of the Pratt knot which is in fact known for its symmetry. This rules out the possibility of a causal relationship between the skewed nature of the tie and Dedek's choice of knot. In addition, I find that a (slightly) skewed tie to be a natural part of any wardrobe, and hardly worthy of mention. Rather, I would argue that the true issue is Dedek's combination of the spread collar with the narrow tie. Because the narrow tie complements the cut of the suits chosen so well by Dedek, the offending article of clothing is the spread collar shirt. But for said unfortunate choice of collar, Dedek would have levelled at an A.

Per Mwah J (dissenting): B+, Je ne puis partager l'opinion de mes estimés collègues. Par habitude, Prof. Dedek détonne dans un contexte nord-américain, mais son style germano-européen n'innove aucunement. En voyageant un peu à l'extérieur de notre hémisphère, nous constaterons qu'il ne fait que perpétuer et répéter un style classique, pensez Polo Ralph Lauren. Sa note de B+ tient surtout du fait qu'il rajoute de la couleur et de la vie à un groupe en manque de créativité! De plus, son style d'humour sec est bien apprécié par les étudiants qui ont le bonheur de suivre l'un de ses cours!

On re: Gélinas

Per Jay J, MacLeod CJ, Mwah and Jacques-Terrence JJ concurring: B+. One of the most under-appreciated elements of the male wardrobe is the suit. Many men are content with a single suit, varying only their shirts and ties. Prof Gélinas is not one of those men. He has worn a variety of suits, ranging in style from 2 to 4 buttons, and in colour from traditional solids (black, grey, navy) to more "casual" greens and browns. This diversity speaks of an openness to bold sartorial frontiers. Some criticism must be laid however on the cut of suits, often a little too large in the shoulders or in need of tailoring. Additionally, he is a man who is unafraid to challenge the usual accompaniments

to a suit, having paired suits with turtle-necks and always ensuring to match pocket squares with ties and socks. Nor does he hesitate to introduce colour into his wardrobe through these pieces, which can only - in this judge's eyes - be seen as a positive. There have been some criticisms laid, however, in relation to the pattern of some ties, which are overly reminiscent of the mid-1980s.

On re: Moyse

Per MacLeod CJ, Jay J concurring: B-. Rarely does one find such a striking contrast between successful and unsuccessful elements in a single person's wardrobe. Professor Moyse wears stylish brown leather shoes, and his ties, on those rare instances in which they are worn, are eye-catching but not garish. The predictable reappearance of his favourite dress pants is offset by their elusive hue, which has been variously described as blue, grey or olive by observers. Yet this list of sartorial strengths must inevitably come to an end, and it is unfortunate that the counterpoint should be an article as important as Moyse's shirts. These shirts are well-chosen by colour or pattern, but are comically oversized. Given that Moyse devotes considerable effort to maintaining an athletic physique, it is unclear to the court why he should choose to conceal it within swathes of excess fabric.

Per Judge Mwah (concurring): B-. Je ne peux qu'être en total accord avec mon collègue MacLeod. Tous les paris sont ouverts quant à son style du jour: néo-je m'en foutiste ou philosophe-post-moderne du café Cherrier, vous ne connaissez pas? À découvrir.

On re: Provost

Per MacLeod CJ and Jay J, Mwah and Jacques-Terrence JJ concurring: C+. The wardrobe before us is straightforward. Professor Provost's choice of colours is conservative and embraces darker hues appropriate to a man of his age and professional stature. Accessories are almost unknown to him, apart from understated and well-maintained dress shoes. Unfortunately - and

this is a fatal flaw in the eyes of this court - his suits are far too large and literally hang from his frame. This sartorial error is even more noticeable given the simplicity of Professor Provost's apparel and requires the court to render an unfavourable opinion. It is our hope that such a punitive letter grade will inspire the esteemed professor to purchase more fitted pieces that display a little more flair.





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Droit humanitaire sur la scène internationale



Me Pascal Paradis est le directeur général et secrétaire du Conseil d'administration d'Avocats sans frontières. Il fut également l'un des trois membres fondateurs d'ASF et s'est rendu en mission à plusieurs reprises en Colombie, en Haïti, au Guatemala, au Nigeria, au Pérou, au Chili et au Venezuela. Diplômé de l'Université de Laval en 1993 et de la London School of Economics and Political Science en 1996, Me Paradis a également une dizaine d'années d'expérience en pratique privée. Il viendra nous entretenir sur l'importance de la protection des droits de l'Homme et des possibilités qui sont offertes aux juristes à l'international.

Une carrière d'avocat au sein du service extérieur du Canada

Me Jean-François Hébert

Les avocats qui joignent les rangs du service extérieur du Canada ont l'occasion de travailler au siège du Ministère des affaires étrangères et du Commerce international à Ottawa mais aussi dans des missions canadiennes aux quatre coins du monde à des intervalles réguliers de deux à quatre ans. À Ottawa, les avocats ont l'occasion de travailler dans des domaines aussi divers que le droit international économique et commercial, la paix et la sécurité internationales, la souveraineté des États, le droit international de la personne, le droit pénal international, le droit de l'environnement et le droit de la mer. À l'étranger, les agents du service extérieur sont affectés dans une ambassade canadienne, dans un consulat ou à une mission auprès d'une organisation internationale. Même si ces postes peuvent comprendre du travail juridique, le travail à l'étranger consiste le plus souvent à promouvoir les intérêts politiques, économiques, commerciaux et culturels du Canada.

Le droit des technologies de l'information, un domaine d'avenir



Me Dominique Jaar est un expert des technologies juridiques et de l'administration de la preuve électronique. Il est conseiller juridique chez Conseils Ledjit Inc., la seule firme canadienne spécialisée en droit des technologies de l'information. Il est également le fondateur et l'organisateur principal de LegallIT, la conférence canadienne bijuridique et bilingue sur les technologies juridiques. Diplômé de l'Université Laval et de la Western University en Common Law, ainsi que de l'Université d'Aix-Marseille III en droit international et européen, Me Jaar a également pratiqué chez Bell Canada et chez Borden Ladner Gervais. Me Jaar viendra nous dévoiler les secrets de son succès dans un domaine de droit aussi nouveau où les défis ne manquent pas et où l'avenir est à ciel ouvert!

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阳光灿烂的日子 (In the Heat of the Sun): A Chinese Masterpiece

by Fangzhou Bian (LAW II)

阳光灿烂的日子 (In the Heat of the Sun or Yang Guang Can Lan de Ri Zi) is one of a few select movies that is of deep personal significance to me and that I hold dear to my heart like a beloved family heirloom. It is in my honest opinion, one of the masterpieces of world cinema. Having recently re-watched it, I was surprised by how fresh this film felt and how many surprises it holds upon a second viewing. This was Chinese actor Jiang Wen's (姜文) first movie as a director. He has so far made two more movies, all of which are excellent, but none can compare to the sheer cinematic brilliance that is captured in 阳光灿烂的日子. 阳光灿烂的日子 is Jiang Wen's most personal film and also, his magnum opus.

阳光灿烂的日子 is known in English as "In the Heat of the Sun". I don't know who made the translation but it absolutely fails to convey any of the poetic meaning in the Chinese title. The title literally means "The Days when the Sun Shone Brightly." Although the title describes the setting of the movie, taking place during one summer in the life of the main character, the more subtle meaning conveys a sense of nostalgia, of warmth, and of longing for a bygone era that exists only in scenes of memory. It sounds like the finishing words of an autobiography where the author is remembering the long gone days of his youth.

阳光灿烂的日子 is the coming-of-age story of the young Ma Xiao Jun (played by the extremely talented Xia Yu aka 夏雨) and his gang of friends as they deal with the slings and arrows of young adulthood including parents, male comrades and that most mysterious of creatures to young teenage boys: the teenage girl. It is set in Beijing against the turmoil of the Cultural Revolution. Ma Xiao Jun's father is a People's Liberation Army soldier and is always away to occupy his military post in a distant province. He lives with his mother but the film has very few scenes of him at

home.

Most of his days are spent out with his gang of male friends. He is a lanky young boy hitting puberty and slowly discovering human sexuality. There is a comical scene where Xiao Jun plays around with what looks like a balloon from his father's drawer only to find out later that it was a condom. During the summer, he hangs out with his gang, a group of people very much like the rebellious youth from *Rebel Without a Cause*. They get into fights with other gangs when one of their own gets hurt and they flirt with girls they see on the streets. The gang's leader is a dashing and handsome older boy named Liu Yi Ku who early on in the movie wants to know a popular girl named Mi Lan. Xiao Jun, who is a talented keymaker, has a favourite pastime which involves sneaking into the apartments of strangers while they are absent. He becomes fixated with the apartment of one stranger, a beautiful young girl whose portrait instantly captivates Xiao Jun. He prowls the rooftops like a silent guardian waiting for this girl and one finally meets her one day in the streets. The girl is the famous Mi Lan, who is older and much more mature than the innocent Xiao Jun. The two develop what at best can be called a brother-sister relationship but as with any boy smitten by a girl, friendship alone does not suffice. Xiao Jun later introduces Mi Lan to his friends and tries to win her heart only to ultimately lose her affections to the handsome and mature Liu Yi Ku.

阳光灿烂的日子 is unique in that it takes no political stand on the Cultural Revolution, instead choosing to focus on the everyday experiences of young kids during the Revolution and their coming-of-age within this historical context. It is a fond remembrance of those days of the Cultural Revolution where young kids roamed free without parental supervision around the city of Beijing.

My father, who lived through the Cultural Revolution, would often reminisce about those days as a time of absolute freedom and liberty. He would tell me how intellectuals such as teachers, who were the target of persecution, would often be bullied by students right in the middle of class very much like a hilarious scene in the movie set in a classroom. As most of the adults have gone to work in the countryside and factories in Chairman Mao's proletariat movement, kids in those days didn't even attend school. My father would tell me stories about roaming around the city of Beijing, which was like a ghost town due to the exodus of people to the countryside, with friends very much like the young boys depicted in the movie and get into fights with other local gangs. He told me some of the characters in the movie are based on real life, namely Xiao Huai Dan, the old gang leader who settled the truce only to be assassinated later on by other enemy gang members.

Jiang Wen skilfully and ingeniously portrays this bygone era in 阳光灿烂的日子 while simultaneously telling a brilliant coming-of-age story that is universal in its appeal. The main characters are so well developed and reflective of genuine emotions that anyone who has ever been young can identify with them. This film is one of the most honest and powerful portrayals of the adolescent experience I have ever seen and a powerful meditation on memory and time.

Jiang Wen brilliantly uses an orange-red color palette to exude a feeling of warmth and youthful vivacity. The lush music of the Sicilian Opera, *Cavalleria Rusticana* (which appeared in the opening scene of *Raging Bull*) is used to great effect here, evoking the reveries of Ma Xiao Jun. The movie is ingeniously shot with soft focus lenses to convey images of significance springing right out of one's memory. The sceneries in memory are often diluted and unclear, eaten away as one forgets

through age. It is often hard to see images from memory in sharp focus and there are details that we cannot see much like how the radiant light of the summer sun can often blind our perception. Indeed, a major theme of the movie is the unreliability of memory. The narrator in the movie, voiced by Jiang Wen himself as the adult version of Ma Xiao Jun, often finds that he is contradicting himself, speaking of events that might never have happened.

There is an amazing scene where Ma Xiao Jun sneaks into the house of the girl he has a crush on, and notices a portrait of her in a swimming suit behind white veil. His observance of the portrait slowly dissolves into a closeup shot of another girl named Hu Pei Pei who hangs out with Xiao Jun's gang. In a later scene, the portrait disappears. When Xiao Jun asks Mi Lan where the portrait had gone, she staunchly denies ever possessing one. Did the portrait ever exist or was it simply the product of Xiao Jun's daydreams? In fact the unreliable narrator even later says that maybe Mi Lan and Hu Pei Pei might be the same person. The movie smartly never answers those questions.

It is said that the "first loves of adolescence are so powerful because they are not based on romance but on ideals." Boys and girls fall in love because they think the other person is perfect. In fact Xiao Jun often acts out scenes from old Soviet movies pretending to be an idealistic Bolshevik warrior as a pastime and also to impress Mi Lan. Mi Lan to Xiao Jun is an object of Pygmalion fascination. It is fair to ask whether Xiao Jun really knows Mi Lan, or does she simply represent an ideal that commands his fascination and sexual de-

sire? Xiao Jun tells us that his initial meetings with Mi Lan were pure bliss as he would often go to her apartment, dance with her and watch her lie down on the bed. Indeed, we often remember things not as they were, but as what we want to think they were. As the older Xiao Jun tells us through narration, his meeting of Mi Lan might never have been as enchanting as he remembers. It is interesting to note that Xiao Jun, and the audience, are first introduced to Mi Lan not by a facial encounter but through her feet. There are many shots of Mi Lan's feet later on in the movie. What is Jiang Wen suggesting here? Is it a suggestion of foot fetish like in Quentin Tarantino's movies? I think it's an image of perfection that is firmly ingrained in Xiao Jun's memory such that whenever he thinks of Mi Lan, he thinks of her feet. In other words, the feet symbolize the ideal that is Mi Lan.

There is a great scene where Xiao Jun first introduces Mi Lan to his friend, the gang leader Liu Yi Ku. He tries to woo and impress her, pretending to be a Bolshevik soldier and boasting that he can climb all the way to the top of a coal tower. He plays around with his friend only to see Mi Lan laughing and being touched by Liu Yi Ku. Immediately his attention is shifted to Mi Lan and Liu Yi Ku. Notice Xia Yu's, who plays Ma Xiao Jun, subtle facial tensions as he looks on, jealousy and regret boiling underneath the surface. It is brilliant and subtle acting. Any boy who has ever stood by and watched a girl that one deeply likes laughing and being caressed by another boy can instantly identify with Xiao Jun's rage and despair. The reaction is human and Xia Yu's performance captures that reaction impeccably.

It is a shame that 阳光灿烂的日子 is not widely known in the West. Although championed by the famous American director Quentin Tarantino, this movie has never found distribution rights in North America and remains unseen. It is a cinematic masterpiece and together with its director, Jiang Wen, deserves the same kind of honor and appreciation given to the works of Zhang Yimou, Ang Lee, Chen Kaige and Wong Kar-Wai. The film version I saw has badly deteriorated and in serious need of a restoration. I hope that one day a figure like Martin Scorsese, known for his work on film preservation and the championing of his Italian heritage by using his name to distribute Italian movies, would come and save this precious gem of a film that so wonderfully captures the essence of the adolescent experience. 阳光灿烂的日子 is not only a masterpiece of Chinese cinema, but also one of the greatest works of art, period.



The Legal Methodolgy Program invites applications for TL -ships for next year - the deadline for submitting is April 9. The application should consist of a cover letter, a CV and a transcript.

For more information - visit the SAO website or contact Me. Lamed

Year-End Report from your Third Year Class Presidents: Héloïse Apestéguy-Reux & Natai Shelsen

It's very hard to believe that the school year is almost over and with it, our third year of law school. Our third year! How did the time go by so fast? Mais bon, the point of this article is not to contemplate the speed of the passage of time but rather for us, as your third year class presidents, to present to you our year-end report.

Pendant le premier semestre, nous avons fait une soirée « mercredi à Thomson House ». À peu près 25 personnes sont passées pour causer avec leurs camarades de troisième année et manger un bout de pizza et

des nachos. Ce semestre, nous avons tenu une assemblée de classe le lundi 29 mars à Thomson House, suivie d'un petit lunch entre étudiants de troisième année.

La semaine du 18 janvier, nous avons – avec les autres présidents de class, le HRWG et l'AÉD – organisé la semaine de levée de fonds pour Haïti. On a aussi participé un peu à l'organisation et la promotion de la semaine Carnaval du 15 février (malheureusement, une de vos présidentes a été bien déçue de ne pas avoir de participants pour sa partie de cache-cache

dans la faculté, dans le cadre de cette semaine!).

We've also, of course, been serving actively on LSA council all year, as well as taking part in the organization of the upcoming GRAD BALL on May 2nd (which will be amazing – beautiful venue and delicious food, tickets are on sale now!!). Finally, we've also made sure to stay in touch with third years on exchange by publishing mini-interviews with them in the Quid – be sure to check out the next two Quids to hear from those on exchange this semester!

Continued from p.2

"It is character building. You have two choices—lie down and envelop yourself in self-pity, or accept it, mourn it and pick yourself up, becoming more determined than ever."

Rejection makes you stronger. Like a wrinkle, indicative of life's temporal journey, rejection remains with you. It may not be visible to the outside observer, but rejection marks your being; it provides you with the ammunition to move ever forwards. It is the answer to the question of "how did you get to where you are?" and it is a punctuation mark in life's run-on sentence.

"It stings at first. But it also gives you a chance to think about where you are going and what you really want to do."

Rejection is a setback but it is not the end. Some of us are simply not supposed to realize our dreams the first time around. But imagine the overwhelming feeling of accomplishment when that dream is indeed realized. So much sweeter. So much more wonderful and well deserved when it actually happens. Sometimes the best alternative to instant gratification is the delayed receipt of an arduous journey.

"Recognize that it blows, but redefine it as an opportunity for even greater success."

Rejection is a catalyst for personal evaluation. A negative response provides us with the chance to hone in on our weaknesses and refine them, making them sharper and more potent as we

tackle the next set of objectives. Sometimes you do not realize how badly you want something until it is taken away from you. However, when you do finally come to that realization, you fight that much harder, infused with the certainty that your calling is within reach.

Cheers to you, Rejection. I may not like you today but I promise to look back on you, ten years from now, and know that I needed you. I am who I am because you provided me with an opportunity for introspection; I am now instilled with the desire to figure out why you happened and what you mean.

Interested in Competitive Mooting?

Competitive Moot Try-outs will take place on Thursday, April 8th and Friday, April 9th. A sign up sheet will be posted outside of Matteo's as of Monday, March 30th. The excerpts to be pleaded (one in English and one in French, au choix) will be posted on the SAO website along with the instructions and the application form. Everyone is welcome to try out, but please note that preference in selection is given to students going into third or fourth year.

The same problem will be pleaded "live", at Bar Prize Moot on Wednesday, April 7, the day before try-outs at 17h30 in the Moot Court. Competitive mooters from this year will be vying for prizes from the Bars of Montreal and Quebec - so come and see how they do it and get some ideas for your presentation!!

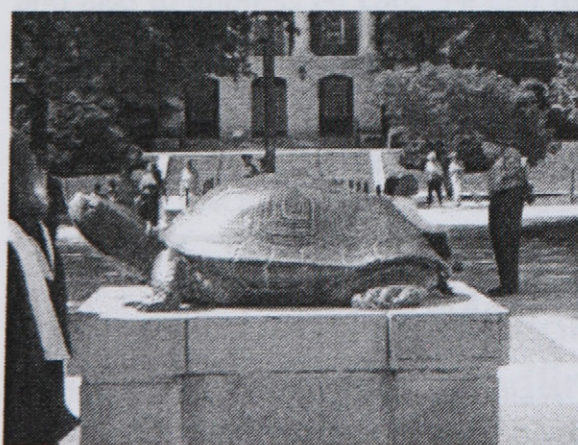
DROIT À L'IMAGE

MARYLAND - All that and a bag of chips!

Last week I sported my 'Maryland Terps' sweatshirt twice. Both times, numerous students asked me 'What's a Terp?' When Dean Jutras asked the question, it was the last straw! I thought 'It's time to take decisive action to educate the NCDH masses!' and, well, my decisive action of choice is to write something in the Quid. So, here we go: Things you should know (or, well, that I want you to know) about the University of Maryland - College Park, my alma mater.

First, our mascot is Testudo, a diamondback terrapin (turtle). That's why we're the Terps. Lots of things on campus have a turtle connection - be it our student newspaper 'The Diamondback' or the campus plaza in the shape of a turtle. Our sports teams tell you to 'Fear the Turtle' - our cheerleaders tell you to 'Cheer the Turtle' - the music school has a banner reading 'Hear the Turtle' and, well, the guys on my floor had a drinking team called 'Beer the Turtle' replete with matching shirts.

We have several Testudos around campus, the main one is in front of the library, and, well, it's tradition to rub his nose for good luck. During exams, people leave him offerings, usually cupcakes from the dining hall.



You really do get used to rubbing his nose - normally, students give him a passing pat as they rush to class, but, on rare occasions, there can be a little

line for some quality time with his snout! A recent entry on 'Overheard in College Park' (way better than 'disons') is a young lady quoted as saying: "The condom broke and all I could think to do was run to the turtle for luck!"

Besides the turtles on campus, there's a statue of KERMIT THE FROG!! Jim Henson (creator of the Muppets) went to UMCP.



We also have a huge fountain (more like a reflecting pool but we call it a fountain) on campus; I was once peed on by a toddler in that fountain; true story.

Another true story is that every year, one of the pro-life clubs (there are several) plants tons of little pink and blue flags on the main campus mall, each representing an aborted child. In true Maryland fashion, there are always a group of frat brothers who think these flags are PERFECT for flag football.

We joke that we have a club for everything. It makes sense when you have 37,000 students (according to Wikipedia). In contrast to the pro-life clubs, we have several pro-choice ones, and, uhh, a club called 'Male Feminists of Maryland'. They went to the big pro-choice rally in DC (UMCP is 8 miles as the crow flies from the Capitol Building) wearing shirts that said 'My penis is not a gavel'. It's slightly odd to see that shirt on campus if you have no idea what's up. That said, I prefer those shirts to some of the ones people sport on campus saying disparaging things about Duke - our rival. While the 'f**k duke' shirt (with *s) is popular, I think my favorite was a garment circa 2003 that

Charlie Feldman (LAW II)

read 'f**k Duke; f**k Osama' (without *s). It about sums up the hatred. That said, I do not support the riots we have after games with Duke (whether we win or lose) but, it is true that I have pants ruined by pepper spray.

Speaking of sports for a second, UMCP has four colors - red and white (our athletic colors) and black and gold (our academic colors). When the new athletic center opened on campus, there was a contest to name the student section. The winning choice: The Red Army. As a result, I have a shirt that says 'I want you to join the Red Army'. Several weeks later, university officials realized the problem with this name and we're now 'Testudo's Troops'. Whoops.

You may have noticed many references to shirts throughout this article. I don't know why, but it feels as though we made or received shirts for everything. And, as I glance down, I notice I'm wearing a 'College Park Scholars' shirt at the moment - I have way too many. I do want to give a shout-out here to what I think was the best shirt I've ever seen on campus....

When the cops break up a frat party, they're generally nice about it. Usually there are some alcohol citations (note: drinking age is 21) and warnings and whatnot. Well, it just so happened that the cops broke up a pretty large frat party hosted by one of the African American frats, and arrested two of the organizers. To raise money for their legal fees (if I remember correctly, the charges were all dropped eventually) the frat made shirts reading 'Everyone wants to be black' on the front... and on the back: '... until the cops come!' Excellent shirts, in my view.



DROIT À L'IMAGE

Charlie Feldman (LAW II)

A close runner-up shirt would be those sported by several students after the FBI ranked us as one of the most violent campuses in the nation (around 2006). In trying to find this information now, it seems as though we were actually number two and not number one. I guess the campus media had it wrong because some students sported shirts that reading '#1 in violent crime... at least we're #1 in something!!'

Sadly, not on ANY shirt is our school's official motto: "Fatti maschii, parole femine" – manly deeds, womanly words. No, I'm not kidding – check Wikipedia. It also happens to be our official state motto. I'm also not kidding.

Maryland itself could be the topic of several more articles. Rather than spoil

the fun here, I'm just going to provide you a list of some state... 'things', that, when read together should provide a pretty good idea of what it's like:

Statehood: April 28, 1788 (7th State)
 Population: 5.3 million
 % White / % Black: 63/29 (2008 Census)
 State Song: "Maryland! My Maryland!" (1939) – to the tune of 'Oh Christmas Tree'
 State Bird: Baltimore Oriole
 State Tree: White Oak
 State Flower: Black-Eyed Susan
 State Boat: Skipjack
 State Crustacean: Maryland Blue Crab
 State Dog: Chesapeake Bay Retriever
 State Sport: Jousting
 State Folk Dance: Square Dance
 State Dessert: Smith Island Cake

... yeah, that's all I have to share here, other than to tell you that Maryland is a study in contrasts. We're a blue state, but 20/23 counties are red. We're south of the Mason Dixon line but we fought for the north during the Civil War. We sentence people to death but have a moratorium on the death penalty. And, we boast about being home to the first President. No, not George Washington. The one before – John Hanson. I wish I were kidding – we learn early on in school that the credit really belongs to Hanson, a Marylander. We're proud of our Marylanders and will boast their accomplishments and achievements to anyone who will listen. That said, we also disown some of our own, and, in that regard, please do not mention Spiro Agnew in my presence. Thanks!

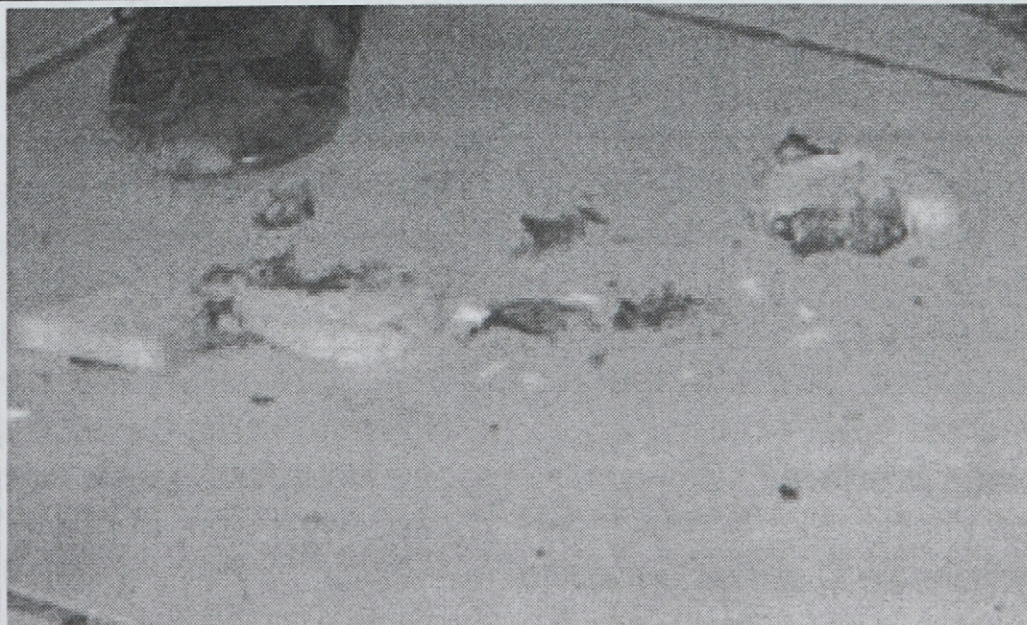
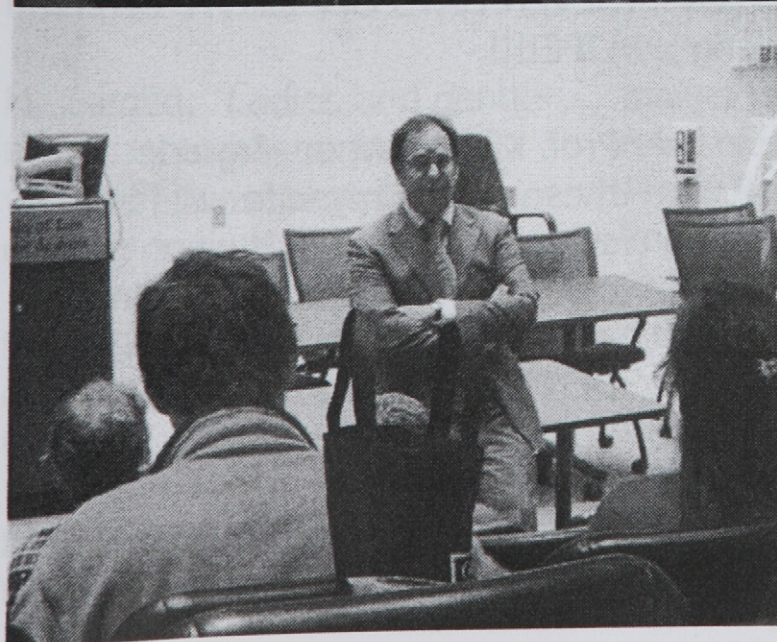


Photos Clock-wise:

1) Smoked meat on the floor!
 Oh noes!

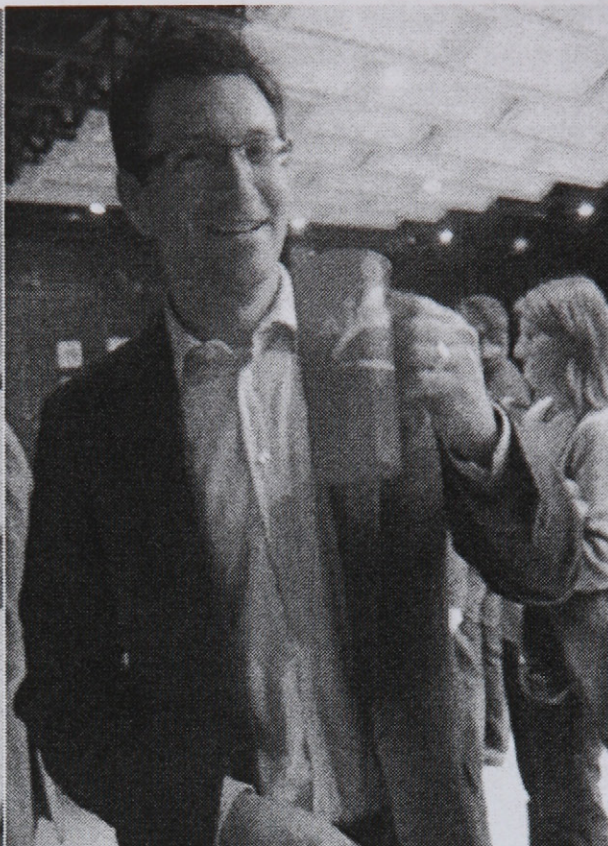
2) Dean Jutras during the
 Dean's Town Hall.

3) Prof. Jukier with JICP students at the Courthouse for an exciting trip to Motions Court!



DROIT À L'IMAGE

Charlie Feldman (LAW II)



I was going to write funny captions, but then I realized that it was Nutrition Week at the Faculty. I love that we observed this (knowingly or unknowingly) with a new beer and cookies. The beer got mixed reviews from those surveyed (I didn't try it). But, I can tell you that the cookies were amazing, so don't stop, Prof. Klein!! PS: 3/4 Profs agree that the beer was better than grading papers or writing exams!

...DISONS...

also be puzzlement...

Prof. Klinck: I identify heavily with Calvin (of Calvin and Hobbes)

Well, there wasn't droit a l'image last week for space reasons (we wanted to save paper) and, we thought I had my name on enough pages of the Quid as it was. Some of you were... surprisingly upset with me for this 'failure' so, uhh, I apologize? And, uhh, here we go!

Prof. Klein: I would be a terrible witness.. I think about that all the time in this class.

Prof. Leckey: This is fun. For those of you who think this is fun...

Prof. Klinck: IF YOU SAY VESTED AND 'CONTINGENT' OR VESTED AND 'EXECUTORY' ON YOUR EXAM -YOU WILL TAKE SEVEN DAYS OFF OF MY LIFE!!!!

Prof. Klein: I don't ... make things up ... per se ...

Prof. Adams: "You wouldn't just go up to the Mona Lisa and say 'I don't like how she's smirking', and touch up her smile..."

Prof. Klinck: We care about property interests, not romantic interests in common law property

Prof. Klinck: Have you ever heard of a guy called Julius Cesar?

Prof. Klinck: When I grade these exams my wife will hear screams of pain coming from me *flailing arms* 'MY GOD THESE STUDENTS - WHAT AM I DOING WITH MY LIFE'

Prof. Klinck: Roll with the punches - that's me
class is silent

Prof. Adams: "So, this was a House of Lords case... no, actually, Court of Appeal. In any case, wigs were in play..."

Prof. Klinck: Sir Thomas Moore says silence is assent... it could

Prof. Sklar: In the future, our biographies will be very short be-

DROIT À L'IMAGE

cause there will be so many deleted e-mails. They're gone. Forever. People save letters. E-mails, you click, and it's gone.

Prof. Saumier: There's no dissuasion in Quebec because the drivers are insured. There's no incentive to drive better. Perhaps this in part is why there's this ... perception ... about Quebec drivers.

Prof. Klinck: Corporations - unlike human beings - do not have souls. They are not capable of love, but they are capable of greed!

Prof. Klein: If I were a law student, I would not say a word to the cops - and, if I did, I would preface every statement with 'I feel as if my will is being overborne'

Prof. Sklar: Sometimes the judge doesn't vote the way the President would want.. it's like that song *sings* YOU CAN'T ALWAYS GET WHAT YOU WANNNNNNNT. Wait. Who sang that? Michael.. J.. Mick... THE ROLLING STONES!

Me Lamed: "Ladies and gentlemen"... that has a ring to it... you can almost hear Cicero coming down the pipe.

Prof. [Redacted]: Vous avez droit de moquez mon accent. Mais pas autant que ça.

Prof. Dedek: In Bette Davis v Warner Brothers, who was the

plaintiff and what services did she promise to render?

1L: She was a singer.

Class: [laughter]

Prof. Dedek: [Pause] Seriously?

(Quid's note: Bette Davis Eyes is one of my favorite songs...)

Me Lamed: Don't lock your knees [while pleading], that's how people pass out. Remember that episode of Glee club?

Prof. Moyse: "C'est excitant la procédure! Je sais pas ce que j'ai aujourd'hui, mais je m'excite tout seul"

Me Lamed: [lectures us about saying 'like']

[talks about other stuff]

Me Lamed: ... and then they were like 'zing!'

1L: Can we pace while mooting?

Lamed: No, pacing is not part of the exercise. Head up to the gym afterwards, but stand your ground during the moot.

(It seems MANY of you were in a recent lecture about a case involving a shaft. Apparently, we're five and the word 'shaft' makes us giggle, so, here are a few selections):

Prof. [Redacted]: "I don't even know what a shaft looks like!"

Prof. [Redacted]: "Why wouldn't the shaft come?"

Prof. [Redacted]: "When the mill gives the shaft to the transporter - who are we looking at?"

(The next class)

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Prof. [Redacted]: "We're doing well today... first I've never seen a shaft and now we're talking about stripping"

(Thanks to all my spies, and if you sent something that I've left out, please re-send it - quid.charlie@gmail.com - I know I'm missing some student overheards....)

3L: I think I'm just too polite Canadian to be a dominatrix. I'd be like 'whack!' sorry! Sorry! SORRY!!

3L: That was the most NASTY yeast infection. Swear to G-D it felt like

I had my own Tim Hortons going on.

(Quid's note: Eww. Just eww. But I had to print it).

2L: (On dating engineers): No good can come from an iron ring

2L: What's course-aux-stages? (No, he didn't know... two weeks ago)

2L: It's physically impossible for him to be up before 1pm, and, well, it's 12:30 and he's not here - to nobody's surprise

1L: FROWNDATIONS IS DONE. I CAN LIVE AGAIN!!!

3L: They should really call it the 'Sexy Affairs Office'

DROIT À L'IMAGE

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1L: Two more years of this?
UGHHHHHHHHHHHHH.

2L: UGH! I hate going on dates
with white supremacists – it
sucks that
I find shaved heads attractive!

2L: I fell asleep with my Civil
Code and drooled all over it.

1L: There's a reason one of the
WiFi's in the building is named 'I
can hear you having sex'

1L: "He wears those green
pants so well."

1L: "I wish I was Irish."

1L: "I wish I was those pants."

3L: BRING ON THE MINI-
EGGS!!!!

**2L: Some days it feels like
my blood alcohol level is
higher than my GPA**

**Quid Online Fans - we'll be
back this week with a new
episode, so fear not! In the
mean time, Katie Webber
had a FABULOUS idea that
many of you probably saw
on Facebook. Here in a
abridged form we present
Katie's idea: Supreme Court
Justices v. Movie Titles!
(Submissions by various
students):**

Gonthier with the Wind
La Forest Gump
The Little Lamermaid

My Cousin Binnie
Lame and Lamer
L'Heureux Gilmore
Ben Heureux-Dube
LeBel and the Beast
LeBel et la Bête
Locke, Stock and Two Smoking
Barrels
Pearl Arbour
Deschamps des rêves
The Thomas Cromwell Affair
Tora! Tora! Bora!
Ritchie Rich
Thelma and Louise Charron
Fun with Dickson and Jane
There's something about Marie

No Cory for Old Men
Cool Hand Locke
Million Dollar Dubé
Dial M for McLachlin
Binnie and Clyde
For Whom the Abella Tolls
The Hunchback of Notre-Dain
Lamerican Beauty
One Hour Fauteux
Frost Dickson
The Agony and the Estey
Saving Private Brian (Dickson)
Terminator 2: Judgement Dubé
To Kill a McLachlin Bird
Inglorious Basterches

TWO QUIDS LEFT THIS SEMESTER!!

Submission Deadlines:

Thursday, April 1st for publication April 6th

Thursday, April 8th for publication April 13th

Submissions must be received by 5pm on the due date.

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